THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17641 of 2005

DATED: 10.08.2005

Between:

B.Vinaya, W/o B.Sasidhar Reddy, aged

About 33 years, R/o Balajinagar,

Nellore, Nellore District.

...PETITONER

And:

Superintendent of Police, Nellore,

Nellore District and others.

...RESPONDENTS

ORDER:

The writ petition is misconceived. The core grievance of the petitioner-association is that the respondents are quoting a higher price than the local market value for selling the shops to the members of the petitioner-association. The A.P. Housing Board had allotted several shops on the ground floor at Satyanagar, Vidyanagar, Hyderabad, on rental basis to the members of the petitioner-association, some time during the years 1972-1980. The first floor flats of the complex, in which the said shops were let out to the members of the petitioner-association, was also let out to others for residential purpose. In respect of the first floor accommodation, the existing leases were converted and the residential accommodation

were sold to the respective tenants somewhere in the year 1986 on the basis of hire purchase agreements entered into with such tenants. In case of the petitioners, the initial leases granted were renewed from time to time and the leases have expired some time during the years 1977-1985.

Thereafter, on the basis of persuasions of the members of the petitioner-association, the respondents had in principle decided to sell the shops to the existing tenants and are said to have convened a meeting some time in the year 2004 and called upon each of the tenants to pay specified amounts towards the sale consideration, in case, a tenant is desirous of purchasing the shop in question of which he/she was earlier a tenant. As there was a disinclination by the tenants to pay the amounts stipulated by the respondent-Board to each of them towards the consideration for the sale, the impugned notices were issued by the respondent-Housing Board intimating the members of the petitioner-association that they have committed default in payment of arrears of rent; that the members of the petitioner-association had offered amounts towards sale consideration which were less than the amounts fixed by the Board and that in the circumstances, the members of the petitioner-association are liable for eviction and called upon them to vacate the premises within the specified time and to handover vacant possession, failing which action would be taken under Sections-52 and 53 of the A.P. Housing Board Act, 1956. It is as against these notices, that the present writ petition is filed.

The members of the petitioner-association are also said to have made representations soliciting negotiations. The members of the petitioner-association contend that the respondent-Housing Board cannot take steps to evict them and is obligated to negotiate with them to arrive at a reasonable price at which the respondent-Board should sell to the members of the petitioner-association the shops in question. The petitioner has failed to demonstrate before this Court any statutory or other public law/obligation of the respondent-Housing

Board to sell its property to the members of the petitioner-association a price that the petitioner-association considers the appropriate market value. On principle, all owners of property are entitled to sell their property at whatever prices they choose fit unless such spectrum of discretion is circumscribed by some legal architecture requiring a rational fixation of price. Absent a demonstration of such compelling legal architecture obligating the respondent-Housing Board to sell its property to the members of the petitioner-association at a particular price or on the basis of a particular principle, the relief sought for in this writ petition is misconceived and is without a legal basis.

The writ petition on the above analysis beseeches rejection and is accordingly dismissed. No order as to costs.

_____

(GODA RAGHURAM, J)

10.08.2005

Note:

Issue CC

In two days.

B/o

dr